

IN THE UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
MISSOURI EASTERN DIVISION

ERIC SMITH, et.al.)	
)	
Plaintiffs,)	
)	
vs.)	Case No: 4:18-cv-00171
)	
ST. CHARLES COUNTY,)	
MISSOURI, et. al,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO SEVER CLAIMS

COME NOW Defendants St. Charles County, Missouri, Michael McKee, Jeffery Cast, Jake Gillett, and Clinton Graebner, by and through counsel, and pursuant to Rules 20 and 21 of the Federal Rules and Civil Procedure respectfully move this Court to sever the claims of the individual Plaintiffs in this action. As grounds for said Motion, Defendants state as follows:

1. Plaintiffs are two individuals seeking damages alleging completely separate incidents occurring years apart against two separate sets of Defendants;
2. Plaintiffs' allegations do not arise out of the same transaction, occurrence, or series of transactions or occurrences;
3. Discovery has demonstrated different witnesses and documentary proof are required for the separate claims;
4. Severance of Plaintiffs' claims shall avoid prejudice in the form of jury confusion which shall likely result from trying Plaintiffs' claims together.

WHEREFORE, for all of the above-stated reasons, as well as the reasons set forth Defendants' accompanying Memorandum of Law, Defendants ask this Court to grant this

Motion; to sever Plaintiff Alleadhin Qandah's claims from this actions; to order the Clerk of Court to open a new action in which Mr. Qandah's claims may be heard; and to make provision for such further relief as the Court deems just and proper under the circumstances. For the Court's convenience, Defendants have provided a proposed Order Granting Defendants' Motion to Sever.

Respectfully submitted,

**OFFICE OF THE ST. CHARLES
COUNTY COUNSELOR**

/s/Drew A. Heffner

Drew A. Heffner, E.D. #54873MO

Associate County Counselor

100 North Third Street

St. Charles, Missouri 63301

Telephone: 636/949-7540

Facsimile: 636/949-7541

Email: dheffner@sccmo.org

Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

James R. Wyrsh
Javad M. Khazaeli
Kiara N. Drake
911 Washington Avenue, Suite 211
St. Louis, MO 63101
(314) 288-0777
(314) 400-7701 (fax)
james.wyrsh@kwlawstl.com
javad.khazaeli@kwlawstl.com
kiara.drake@kwlawstl.com

Blake A. Strobe
Michael-John Voss
Frances C. Lucas
John M. Waldron
Maureen Hanlon
440 N. 4th St., Suite 390
Saint Louis, MO 63102
855-724-2489 ext. 1021
314-925-1307 (fax)
bstrobe@archcitydefenders.org
mjvoss@archcitydefenders.org
clucas@archcitydefenders.org
jwaldron@archcitydefenders.org
mahanlon@archcitydefenders.org

/s/Drew A. Heffner

Dated: November 15, 2019